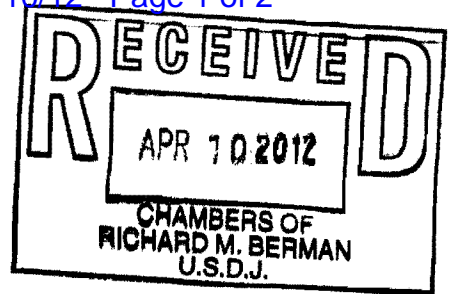




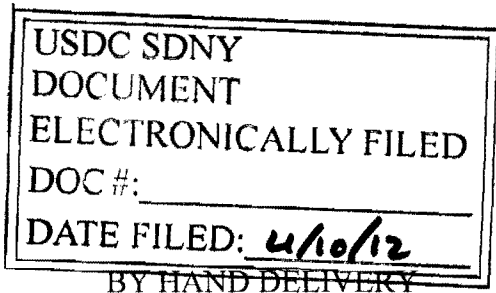
STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL



ERIC T. SCHNEIDERMAN
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LITIGATION BUREAU



Direct Dial: (212) 416-8687

April 9, 2012

Hon. Richard M. Berman
United States District Judge
United States Courthouse
500 Pearl St., Rm. 21B
New York, NY 10007-1312

MEMO ENDORSED
pg. 2

Re: Michael Torres v. NYS DOCCS, et al., Docket No.11 Civ. 5762

Your Honor:

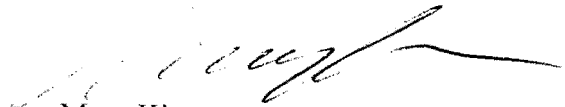
This office represents the defendants in the above-referenced action.

I write to apologize for my failure to appear at the conference scheduled before Your Honor on April 5, 2012. The reason for the non-appearance was due to confusion on my part. This case was referred to Magistrate Judge Freeman for settlement purposes and a conference before Judge Freeman was scheduled on March 30, 2012. Prior to that date, plaintiff retained Counsel for the limited purposes of settlement negotiations. On consent of the parties, the conference before Judge Freeman was adjourned to April 23, 2012, to allow plaintiff's Counsel time to meet with plaintiff and confer a settlement demand to our office. Given the upcoming conference before Judge Freeman, I failed to realize that we were to appear before Your Honor for a status conference on April 5, 2012.

Given the circumstances, I respectfully propose that the parties report to Your Honor following the April 23, 2012 conference before Judge Freeman and another conference before Your Honor be scheduled at that time if appropriate.

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Respectfully submitted,



Mary Kim
Assistant Attorney General

cc: By Facsimile (212) 521-7808

Nicholas Folly, Esq.
Debevoise & Plimpton, LLP
909 Third Avenue
New York, NY 10022

A status conference is
scheduled for 4/24/12 at
10:00 a.m. Defendant is
directed to arrange for
Plaintiff to appear telephonically.

SO ORDERED:

Date: 4/10/12

Richard M. Berman

Richard M. Berman, U.S.D.J.